

NOTICE OF REJECTION

Patent Application Number H11-521102
Date Prepared December 9, 2002
Date Issued December 17, 2002
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Cited Article(s) Article 29, Paragraph 2
Article 36

The present application is rejected for the following reasons. Should the applicant have any comments thereon, he/she should submit remarks within 3 months from the date of issue of this notice.

Reason(s)

1. The recitation of the claims of the present application fails to satisfy the requirements of Article 36, Paragraph 6, Number 2 of the Japanese Patent Law with regard to the following points.
2. The inventions according to the below-mentioned claims of the present application could have been readily invented by one with the ordinary knowledge in the technical field to which the invention belongs prior to filing thereof, based on inventions described in the below-cited publications which were distributed in Japan or a foreign country prior to the filing thereof, and are therefore unpatentable under Article 29, Paragraph 2 of the Japanese Patent Law.

Comments

(see List of Citations for cited documents)

- Claims 1-29
- Reason 1

Whereas claim 1, in paragraph (b), recites the inclusion of at least one anionic surfactant chosen from the group consisting of (i)-(ix), the inclusion of an anionic surfactant in a composition intended for treating keratin fibers comprising a 2-electron oxidoreductase in the presence of a donor for the enzyme in a medium which is suitable for keratin fibers was publicly known as, for example, described in Citation 1 (see "stearyltrimethyl ammonium chloride" in Examples 1, 3 and 4; "sodium polyoxyethylene lauryl ether sulfate" in Example 7; and "sodium lauryl sulfate" in Example 11). In view thereof, the respective anionic surfactants recited in paragraph (b) of claim 1 cannot be held to have similar properties or functions, and claims 1-29 cannot be considered to allow a single invention to be clearly understood from each claim.

Therefore, claims 1-29 cannot be considered to clearly recite the inventions for which a patent is sought.

(For example, in claim 1, there are nine distinct inventions each employing respectively (i)-(ix) in (b). Additionally, if these inventions (with the exception of (ix)) were to be recited in separate claims, they would not satisfy the requirements of Article 37 of the Japanese Patent Law, and they therefore cannot be filed as a single patent application.)

Because this application is in violation of the requirements of Article 36, Paragraph 6, Number 2 of the Japanese Patent Law, no examination has been performed concerning the requirements other than those of Article 36, Paragraph 6, Number 2 with respect to the inventions according to the claims other than in the case where (i) acylisethionates are used as the anionic surfactant of (b) in claim 1.

- Claims 1-29
- Reason 2
- Citations 1, 2
- Comments

Citation 1 describes a hair cosmetic composition containing a 2-electron oxidoreductase in the presence of a donor thereof. While the inventions according to the claims of the present application contain an acylisethionate in addition to a similar composition, the use of acylisethionates as surfactants in cosmetic compositions was publicly known as recited in Citation 2 (see especially pg. 7, l. 13). In view thereof, one skilled in the art would have found it easy to further add an acylisethionate to the hair cosmetic composition described in Citation 1. Additionally, no especially distinctive effects are seen to be obtained therefrom.

(The specification does not give any comparative experimental results, so that the effects obtained by the inventions according to the claims cannot be confirmed.)

- Claims 1-29
- Reason 1

(1) The claims contain alternative recitations such as "in particular", "more particularly", "preferably" and "more preferably", thus rendering the inventions according to claims 1-29 indefinite in scope.

(2) The expression "such as ..." recited in claims 25, 28 and 29 render the inventions according to these claims ambiguous.

(3) While claim 11 recites "the alkyl radical containing between 6 and 20 carbon atoms approximately", this recitation leaves the upper and lower limits of the number of carbon atoms indefinite. (For example, it is unclear whether "21" is to be included.)

List of Citations

1. JP-A S63-246313
2. WO 97/04740

Record of Prior Art Search

Searched Fields: IPC A61K 7/00-7/50

Prior Art Documents: JP-A H9-175991

This record of the prior art search does not constitute a reason for rejection.